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09/438,602	11/12/1999	JEFFREY M. ENRIGHT	D-1114	9588

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EXAMINER

WALSH, DANIEL I

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/438,602

Applicant(s)

ENRIGHT, JEFFREY M.

Examiner

Daniel I Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-7-02 (amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 10-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the Amendment received on 7 November 2002. The Examiner acknowledges the application claims the benefit of US Provisional Application 60/108,340 filed 13 November 1998. Prosecution on the merits follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6, 8, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurowski et al. (US 5,895,457).

Re claim 1, Kurowski et al. teaches an apparatus comprising a self-service merchandise-dispensing machine selectively operative to dispense merchandise (interpreted to include fuel) through FIG. 2. Kurowski et al. teaches a user interface associated with the dispensing machine, wherein the interface includes an article reading device, wherein the article reading device is operative to read a machine readable article associated with a user, wherein the machine readable article corresponds to a source of monetary value, and wherein the interface includes an input device operative to receive at least one input from a user through pump 22, which includes a card reader 34 (article reading device to read a machine readable article associated with a user that

corresponds to a source of monetary value) and keypad 42 (user input device). Kurowski et al. teaches a cash value dispensing mechanism associated with the dispensing machine through change dispenser system 24. Kurowski et al. teaches a controller operatively connected to the dispensing machine, the user interface and the cash value dispensing mechanism through FIG. 1. Further, it is well known and understood that since the systems are electronically connected to each other, the controller is operatively connected as well. Kurowski et al. teaches that the controller is operative to cause a merchandise dispense from the merchandise dispensing machine having an associated charge and to cause a cash value dispense of an amount from the cash value dispensing mechanism responsive to at least one input to the input device through "For credit payments, the control system contacts (66) an authorization service, waits for a response and receives (68) an authorization signal...If the card is authorized, or if the customer pays in cash, then the pump is enabled(76) and the fueling process can begin" (col 5, lines 67+). It is well known that fuel has an associated charge. Kurowski et al. teaches causing a cash value dispense of an amount from the cash value dispensing mechanism responsive to at least one input to the input device through "On the other hand, if a balance is due, the control system generates (88) a code and associates the code with the balance due.... Once the customer has received the code, the customer may ...proceed with the code to the change dispenser system to receive change in the form of currency.... The code is transmitted to the control system by the change dispenser system. The control system receives (94) the customer code input, and retrieves (96) the coded balance information which has been stored (98) by the control system in computer memory...then the change dispenser system dispenses (108) change in the form of currency" (col 6, lines 30+). Kurowski et al. teaches that the controller is operative responsive to

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reading the machine readable article with the article reading device to cause generation of a charge record wherein the charge record includes data representative of the source of monetary value, the charge, and the amount through "The code can be printed on the transaction receipt that is reported to the customer" (col 6, lines 43+), where the code is interpreted as data representative of the amount. It is well known that conventional fuel receipts include data representative of the source of monetary value and the charge.

Re claim 4, Kurowski et al. teaches an output device of the user interface, controller by the controller, to cause the output device to prompt messages to the user concerning operation of the input device through "Various functions that are executed by the site controller 26 are outlined...the pump system may be programmed to continuously or periodically display (56) a payment prompt such as "select payment type" or "insert payment" (col 5, lines 46+). It is understood that the controller causes such an output through the output device/display, either continuously or periodically until a customer interfaces with the system. Though the system maybe programmed to display such output, it is controller by the controller, which determines when it is displayed (when the system is not in use, as is conventional with fuel systems).

Re claims 5 and 6, Kurowski et al. teaches a cash value accepting device associated with the merchandise dispensing machine, wherein the case value (note) accepting device is operative to accept at least one cash value item (including a note) from a user through bill acceptor 36 and coin acceptor 38. Kurowski et al. teaches that the cash value accepting device is operatively connected to the controller wherein the controller is operative to apply the charges associated with the dispensed merchandise through "The controller receives (58) a corresponding transaction initiation signal and the pump system receives and credits (60) payment...For cash

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payments, the control system monitors the amount of currency receives through the bill acceptors...the control system communicates with the pump system to determine the transaction amount and compares (82) the payment amount to the transaction amount to determine whether a balance is due" (col 5, lines 55+). Further, it is well known that, the charge/total of the items is deducted from the currency inputted into the machine, and change can be generated accordingly.

Re claim 8, Kurowski et al. teaches the self service machine is operative to dispense motor fuel through FIG. 1, and as taught above, since it is a fuel pump/dispensing system.

Re claim 23, Kurowski et al. has taught a machine that dispensing merchandise in response to an input from an input device, that the dispensed merchandise has an associated charge, that the machine reads a machine readable article, that a value of cash is dispensed in response to an input to the input device (insertion of charge card/currency), and through claim 1, that the fuel can be purchased with cards (credit for example) the merchandise is dispensed and has associated charges. It is understood and taught above that that the source of monetary value (machine readable card) is charged the amount and the charge, as is well known in the art (cards are charged the amount of the purchase).

Re claim 24, it is well known that dispensing/vending machines have credit card readers that read the cards and charge an amount for the purchase onto the card. Further, Kurowski et al. teaches a credit card, reader, and charging a purchase through card reader 34.

Re claim 25, the limitations have already been discussed above in claim 8.

Re claim 26, the dispensing of one note has been taught above in claim 3.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurowski et al., as applied to claim 1 above, and further in view of Ramsey et al. (US 5,842,188).

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Re claim 2, the teachings of Kurowski et al. have been discussed above.

Kurowski et al. fails to teach the use and updating of a stored value memory device read by the machine that results in dispensing of cash value.

Ramsey et al. teaches "A purchaser may purchase any selected quantity of motor fuel by a credit or debit card and may receive change in the form of currency and coins from his payment or as a result of a cash advance on the credit or ATM card" (abstract). This is interpreted to include a machine readable article with stored memory, is well known in the art, that such vending machines update the stored value on the cards when money is used off it, and meets the limitations of claim 2.

Re claim 3, Kurowski et al. fails to teach the dispensing of note/paper currency.

Ramsey et al. teaches an unattended automated system for selling and dispensing with change dispensing capability whereby cash value can be dispensed in the form of a note through currency dispensers 47 and 49.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Kurowski et al. with those of Ramsey et al.

One would have been motivated to do this to add convenience to the user of the vending machines by providing change in the form of paper/coin, thus making change for large and small amounts more favorable for the customer, and further adding to customer convenience by accepting a myriad of financial inputs (cash, coin, debit card, credit card, etc.).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurowski et al. as modified by Kolls (US 6,056,194).

Re claim 7, the teachings of Kurowski et al. have been discussed above. Kurowski et al. has taught a card reader above connected to the controller and operative to apply charges and dispense the item(s). Kurowski et al. teaches a magnetic card, which includes stored value and credit cards, but is silent to whether the magnetic card reader reads stored value, credit, or both.

It is well known in the art that vending machines can read stored value cards. Further, Kolls teaches a system and method for networking and controlling vending machines and that cash value-accepting device includes a stored value card through "In the embodiment of system 10 shown in FIG. 1, only a credit card reader 16 is shown. An alternate embodiment may use a coin mechanism or bill acceptor mechanism or prepaid card or combination of these mechanisms to pay for the vending" (col 8, lines 13+).

Therefore, at the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Kurowski et al. with those of Kolls. As the controlling device discussed above controls the operations/charging and dispensing of items, it would be obvious that the controller would remain in operating contact with the cash value accepting device, and that as in the case with the indicia bearing card, the charges would be applied to the prepaid card in the same fashion as with the indicia bearing card in a manner that is well known in the art, and further to include dispensing of the purchased item.

One would have been motivated to do this in order to have a vending machine that is easier to use since it accepts more types of payment to produce a machine that is user friendly and versatile.

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5. Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurowski et al. as modified by Ramsey et al., as applied to claim 3 above, and further in view of Forrest (US 5,719,383).

The teachings of Kurowski et al. as modified by Ramsey et al. have been discussed above. Further, Kurowski et al. teaches that "the change dispensers can be incorporated into the individual pump systems rather than provided separately" (col 4, lines 26+).

Kurowski et al. as modified by Ramsey et al. fail to teach that the cash value dispensing mechanism includes a cash supply component that holds a supply of notes and is removably mounted on the merchandise dispensing machine (fuel system).

Forrest teaches a cash value dispensing mechanism in the form of an ATM machine where "Referring particularly to FIGS. 2 and 3, the cash dispenser unit 16 includes two similar pick means 18 arranged one above the other and respectively associated with two storage cassettes 20 which are removably mounted in a supporting framework 22 of the dispenser unit 16. Each of the storage cassettes 20 is arranged to contain a stack of bank notes 24" (col 2, lines 56+). Though Forrest is drawn to an ATM machine and not a change dispenser as taught by Kurowski et al., ATM's are still well known and conventional, and like change dispensers, they house currency in a secure manner to be distributed to a user, and therefore is seen as analogous art. Accordingly, Forrest has taught removable cash supplies that hold notes. As taught above by Kurowski et al., a change dispenser can be integral to the merchandise dispenser. Therefore, at the time the invention was made, it would have been obvious to an artisan to mount the supply component to the merchandise dispenser, since the supply is taught as mounted to the ATM by

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Forrest, and that Kurowski et al. teaches a change dispenser integral to the merchandise dispenser.

Re claim 27, a supply component that holds notes and is removably mounted to the machine has been discussed above in claim 9. Further, since it is removably mounted, it is understood that the cash supply component can be removed, and it is inherent/understood that when the cash supply is removed that money cannot be dispensed from the dispensing mechanism, since there is no money to dispense with the absence of the supply of cash. Further, as is common and well known in the art, when purchasing an item(s) at such a vending machine, one is only charged for the dispensed merchandise, and is also taught above.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Kurowski et al. with those of Forrest.

One would have been motivated to do this in order to take the well known and conventional methods of secure currency storage as taught by ATM machines, and apply it to a change dispenser, for improved security (resolvability) while also providing security given to ATM machines.

Allowable Subject Matter

6. Claims 10-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:
The prior art fails to teach a cash value dispensing mechanism that include a roll of notes,

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wherein the cash value dispensing mechanisms is selectively operative to dispense the note from the roll. The Ramachandran et al. reference (US 6,386,323), cited in the prior action, teaches the limitations of claims 10-22, but fails to qualify as prior art (same assignee).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel Walsh** whose telephone number is **(703) 305-1001**. The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**daniel.walsh@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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DW

1-24-03

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KARL D. FRECH
PRIMARY EXAMINER